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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,339	06/25/2003	Juergen Feye-Hohmann	5028.1001	4229
23280	7590	11/15/2004	EXAMINER FIGUEROA, FELIX O	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,339

Applicant(s)

FEYE-HOHMANN, JUERGEN

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities: In claim 13 line 15, "the hole" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinger (US 4,084,876).

Dinger discloses a clamping spring device (222) for an elastic clamp for attaching at least one electrical conductor, comprising: a support (at 304) including a freestanding edge (at 306); and a clamping leg (242) disposed at an end of a spring leg (236), the clamping leg projecting toward the support at an acute angle so as to form a receiving space between the clamping leg and the support, the receiving space narrowing in a conductor insertion direction from a conductor insertion side toward a clamping point and being configured to receive the at least one electrical conductor (70) inserted in a lengthwise direction of the at least one electrical conductor, the clamping leg including a clamping edge (not labeled) on a face thereof so as to be capable of clamping the at least one electrical conductor between the clamping edge and the support at the clamping point in a clamping position; wherein, in the clamping position, the clamping

leg is offset from the freestanding edge in the conductor insertion direction to provide an interlocking effect. See response to arguments.

Regarding claim 3, Dinger discloses the freestanding edge projecting toward the clamping leg.

Regarding claim 5, Dinger discloses the support defining a hole, an edge of the hole forming the freestanding edge.

Regarding claim 8, Dinger discloses a second clamping leg (see Fig.7) disposed on an end of a second spring leg opposite the support, the second clamping leg including a second clamping edge and defining a second clamping point, the second spring leg disposed adjacent the spring leg, the support including a second freestanding edge for the second clamping point.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Osada (US 6,146,217).

Osada discloses a clamping spring device (Fig.7) for an elastic clamp for attaching at least one electrical conductor (8b), comprising: a support (3) including a freestanding edge (3c); and a clamping leg (at 4a) disposed at an end of a spring leg (4), the clamping leg projecting toward the support at an acute angle so as to form a receiving space between the clamping leg and the support, the receiving space narrowing in a conductor insertion direction from a conductor insertion side toward a clamping point and being configured to receive the at least one electrical conductor (8b) inserted in a lengthwise direction of the at least one electrical conductor, the clamping leg including a clamping edge (at 4a) on a face thereof so as to be capable of clamping

the at least one electrical conductor between the clamping edge and the support at the clamping point in a clamping position; wherein, in the clamping position, the clamping leg is offset from the freestanding edge in the conductor insertion direction to provide an interlocking effect.

Regarding claim 14, Osada discloses the freestanding edge projecting towards the clamping leg; and the clamping leg being offset behind the freestanding edge in the conductor insertion direction so that the freestanding edge projects toward the clamping leg ahead of the clamping leg in the conductor insertion direction (see Fig.7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinger in view of Getselis et al. (US 6,039,597).

Dinger discloses substantially the claimed invention except for the indentation at the clamping edge. Getselis teaches a clamping leg (158) having an indentation at (162) at the clamping edge to strengthen the clamping leg. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form an indentation at the clamping edge of Dinger, as taught by Getselis, to strengthen the clamping leg.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

Response to Arguments

Applicant's arguments filed August 19, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Dinger does not teach or suggest "[so that] an electrical conductor bent around the freestanding edge so as to provide an interlocking effect", please note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case, the clamping spring device of Dinger discloses the clamping leg being offset from the freestanding edge in the conductor insertion direction, as claimed. Please note that the device of Dinger is capable of clamping an appropriate conductor (i.e. a flexible conductor), so that it can be bent around the freestanding edge.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


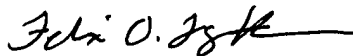
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr



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